

R. BLAKE HAMILTON (Bar No. 11395)  
ASHLEY M. GREGSON (Bar No. 13716)  
**DURHAM JONES & PINEGAR, P.C.**  
111 East Broadway, Suite 900  
Salt Lake City, UT 84111  
Telephone: (801) 415-3000  
Facsimile: (801) 415-3500  
[bhamilton@djplaw.com](mailto:bhamilton@djplaw.com)

ATTORNEYS FOR DEFENDANTS

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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

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JOSHUA CHATWIN,  
Plaintiff,

v.

DRAPER CITY; DRAPER CITY POLICE  
DEPARTMENT; POLICE CHIEF MAC  
CONNOLE; OFFICER J. PATTERSON, in his  
individual and official capacity; OFFICER  
DAVID HARRIS, in his individual and official  
capacity; OFFICER HEATHER BAUGH, in  
her individual and official capacity; and JOHN  
DOES 1-10,

Defendants.

**DEFENDANTS' MOTION TO STAY  
BRIEFING ON PLAINTIFF'S MOTION  
FOR LEAVE TO FILE SECOND  
AMENDED COMPLAINT AND  
MEMORANDUM IN SUPPORT  
THEREOF**

Civil No. 2:14-cv-00375  
Judge Dale A. Kimball

Plaintiff filed his Motion for Leave to File Second Amended Complaint and Memorandum in Support Thereof on October 19, 2015. [Doc. 23]. On October 20, 2015, this Court heard argument on Defendants' Motion for Judgment on the Pleadings [Doc. 17], which the Court took under advisement. Defendants' opposition to Plaintiff's Motion for Leave to File Second Amended Complaint is due on November 5, 2015.

The Motion for Leave proposes amendments to the First Amended Complaint that could be rendered moot by the pending Motion for Judgment on the Pleadings. It would be unreasonable to expend time and effort briefing the Motion for Leave when the Court could rule any day on the Motion for Judgment on the Pleadings, and such a ruling could dismiss the very claims that Plaintiff is now moving to amend. For these reasons, Defendants respectfully request that this Court stay the briefing on Plaintiff's Motion for Leave until fourteen (14) days after this Court has ruled on the pending Motion for Judgment on the Pleadings.

Defendants contacted counsel for Plaintiff regarding reaching a stipulation on the proposed stay of briefing, and Plaintiff would not so stipulate. *See* emails between Hamilton and Marcy, attached hereto as Exhibit A.

DATED this 5<sup>th</sup> day of November, 2015.

**DURHAM JONES & PINEGAR, P.C.**

/s/ R. Blake Hamilton

R. Blake Hamilton  
Ashley M. Gregson  
ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the **DEFENDANTS' MOTION TO STAY BRIEFING ON PLAINTIFF'S MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT AND MEMORANDUM IN SUPPORT THEREOF** was served this 5<sup>th</sup> day of November, 2015, via email, upon the following:

Lisa A. Marcy  
CLYDE SNOW & SESSIONS  
One Utah Center, Thirteenth Floor  
201 South Main Street  
Salt Lake City, UT 84111

John K. Johnson  
JOHN K. JOHNSON, LLC  
10 West 300 South, Suite 800  
Salt Lake City, UT 84101

/s/ Sarah Peck